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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,824	03/19/2004	Michael Eric Flanagan	A-04.12	7111
7590 02/13/2007 Arthur Jacob 25 East Salem Street P.O. Box 686 Hackensack, NJ 07601			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/13/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/804,824

Applicant(s)

FLANAGAN, MICHAEL ERIC

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 9,12-19,27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/15/05; 12/4/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of the species of figure 16 in the reply filed on January 5, 2007 is acknowledged.

Claims 9, 12-19, 27 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 5, 2007.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tuthill (GB 1231320).

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thyssen (DE 3910732).

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thyssen (DE 3718619).

Claims 20-23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Boundy. The patent to Boundy discloses the recited pipe stopper comprising two rigid

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circular plates 6,7, an outwardly expandable flexible seal 8, a projection 9 rigidly attached to the first plate 6 extends slideably through an aperture near 12 in second plate 7, a lever 14 pivotable about an axis through the projection, a cam means 13 rigidly secured to the lever such that the lever is pivotable between a first and second orientation to compress and release the plates to expand the seal into contact with the inner wall of pipe 26, an elongated handle 2 pivotally attached to the lever at a position remote from the cam such that the lever is operable by applying force along the handle, there are means provided by the end of handle 2 that prevents the plug from pivoting past a predetermined angle, the angle can be seen to be obtuse to allow the seal and stopper to be lowered below ground level and positioned in the pipe, and the lever comprises a shorter lever secured within a lever extension arm 18 and the lever extension arm is pivotally connected to the handle by connection pin 11.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boundy in view of Ver Nooy. The patent to Bound discloses all of the recited structure with the exception of providing a member rigidly secured to a remote peripheral surface of one of the plates to provide a reactive force to tilting the pipe

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stopper into the operative position, and forming a pair of recesses concentric with the axis through the projection with a pair of pivot pins. It is considered an obvious duplication of parts to provide a pair of pins and recesses to form the allow for actuation of the apparatus, where one skilled in the art would only require routine skill to add a second pin and recess to form a double pin structure where such would provide for added strength and prevent premature failure thereby saving money in replacement or repair costs. The patent to Ver Nooy discloses a pipe plug comprising an expandable seal provided at the end of a handle 16,19, which upon deployment uses a member 21 attached to the plate 24 attached to backing plate 30c of the plug section to inherently provide a reactive force during the deployment of the plug to align such in the pipe. It would have been obvious to one skilled in the art to modify the plate in Boundy by providing a member that is rigidly attached to the plate to provide a reactive force during the deployment of the plug to insure proper location of the plug for it's operative position as suggested by Ver Nooy where such would insure proper seating of the plug into the pipeline thereby preventing leaks which could cause damage and save time thereby saving money.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boundy in view of Ver Nooy as applied to claims 1-8, 10, 24, and 25 above, and further in view of Hessian. The patent to Boundy as modified discloses all of the recited structure with the exception of forming the handle as a telescoping handle. The patent to Hessian discloses that it is old and well known in the plug art to form long handles of either a single piece or of a telescoping structure as seen in figure 5b. It would have been

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obvious to one skilled in the art to modify the handle in Boundy as modified to be telescoping as such is old and well known in the art of plugs as suggested by Hessian, where such would provide a smaller plug structure which would require less space to store when not in use, thereby saving costs.

### ***Conclusion***

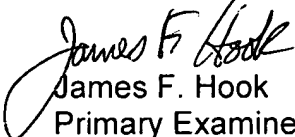
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Chisholm, Svirsky, Weisman, Cooper, Maughan, Young, and Tash disclosing state of the art plugs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
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JFH